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Freemen without rights the question of Negro suffrage in Pennsylvania, 1835-1838

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FREEMEN WITHOUT RIGHTS
THE QUESTION OF NEGRO SUFFRAGE IN PENNSYLVANIA, 1835-1838

by
Joseph H. Reynolds

Abstract

The "Age of Jackson" has received considerable attention from historians of American society and much of this history has praised the equalitarian efforts of members of the Jacksonian Democratic party. This thesis studies the Pennsylvania Jacksonians and their attitudes toward Negro political rights during the late 1830's and discovers that Jacksonian attempts to expand the franchise excluded Negro residents in Pennsylvania.

During the Pennsylvania constitutional convention of 1837-38, the Jacksonian Democrats played a major role in passing a constitutional amendment which ended Negro voting in that state. The debates and discussion surrounding this convention amendment revealed the extensive racial prejudice which dominated all parties involved: the Jacksonians, Whigs and Antimasons. During these debates, the Jacksonians argued that Negro suffrage would encourage a disruption of American society by presenting the black man as an equal to the white man. The Whigs and Antimasons, basing their arguments on Revolutionary War principles, encouraged the continuation of Negro voting as a necessary political responsibility. However, all parties accepted the social inequality of the Negro race.

In addition to the convention discussion of the Negro suffrage issue was a decision by Judge John Fox of the Bucks County Court of

Quarter Sessions which declared that Negro voting was illegal. The basis for this decision clearly resembled the logic used by the Jacksonian Democrats in attacking the constitutionality of the Negro voting.

Finally, the convention voting patterns clearly indicated that Negro suffrage was a party issue, beclouded only by racism in all groups. The Jacksonian Democrats viciously attacked Negro voting as a sin against society. The Whigs and Antimasons considered Negro disfranchisement a violation of the natural rights of freedom and equality. But the Jacksonians dominated and achieved political disfranchisement of all Pennsylvania Negroes.

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by
Joseph H. Reynolds

A Thesis
Presented to the Graduate Committee
of Lehigh University
in Candidacy for the Degree of
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Abstract

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Chapter I

Introduction

The question of black suffrage in Pennsylvania during the "Age of Jackson" involved more than the classic constitutional controversy over civil and political rights. The debates, tirades and vituperations which surrounded the issues of Negro rights revealed the endemic nature of racial prejudice in Pennsylvania. The Keystone state, with a reputation for liberal constitutional rights and an active underground railroad, was the last state to withdraw suffrage privileges from their free black residents.¹ Although the period of intense black suffrage debate, 1835-1838, was dominated by the banking issue, sporadic and open hostility toward antislavery societies and black freemen was not uncommon. The debates over black suffrage and the violence directed against the Negro population brought into question the status that free blacks would hold in a predominately white society. Would blacks be extended the privileges of citizenship, trial by jury, the right to bear arms, freedom of peaceful

¹The following states disfranchised Negroes in the years mentioned: Pennsylvania 1838, New Jersey 1820, Connecticut 1818, Maryland 1809, Kentucky 1799, Delaware 1792. Kirk H. Porter, A History of Suffrage in the United States, (Chicago, 1918), p. 90; Leon F. Litwack, North of Slavery, (Chicago, 1961), p. 75.

assembly? The debates on Negro suffrage revealed much about how black Americans fared in ante-bellum northern white communities.

This study examines the black suffrage question in Pennsylvania when it reached its highest public interest and most serious legal ramifications. Between 1835 and 1838 black voting habits, growing abolitionist activity and increased racial prejudice stirred many Pennsylvania residents to call for the constitutional disfranchisement of all but free white male citizens above the age of twenty-one. Agitation for constitutional reform in other areas dated back to the 1820's and had precipitated the calling of a constitutional convention in 1835.² This convention, convening in May 1837, offered the perfect vehicle for disfranchisement and the opponents of black suffrage availed themselves of it.

Questions of Negro rights lay dormant in Pennsylvania until 1780 when the act for the gradual abolition of slavery was passed. Pennsylvania had been a slave state and although a number of free blacks lived within its boundaries, the typical black codes relegated both slave and free to positions of inferiority and degradation. Prior to 1780 the free Negro had no political rights. He was barred from marrying a white person, restricted to special courts without trial by jury, required to carry a pass when traveling and harassed by sheriffs who sought to arrest him for minor crimes which might result in a sentence returning him to servitude. But with the passage

²Roy H. Akagi, "The Pennsylvania Constitution of 1838," The Pennsylvania Magazine of History and Biography, 1924, V. 48, No. 4, pp. 301-311.

of Pennsylvania's gradual abolition of slavery act in 1780, the old black laws were abolished, but limitations on the right of suffrage and participation in the state militia remained.³ The written law made few distinctions between the races, but the social consciousness of the white population would determine the future status of their black neighbors.

There were early signs that gave hope to the blacks and their few white supporters. The late eighteenth century saw some people sincere in their belief that blacks should be treated on a par with whites and that such treatment would be self-justifying in the resulting elevation of black status and respect.⁴ In the constitutional convention of 1790 the question of inserting the word "white" in the suffrage requirements had been defeated on a motion by Albert Gallatin. Some interpreted the defeat of this motion to imply that such a restriction was unnecessary since no one ever expected the blacks to vote.⁵ However, the convention delegates most probably intended to allow black suffrage based on the payment of taxes and residency requirements since the number involved would be slight and the blacks, at this time, represented no threat to white control.

³Edward R. Turner, The Negro in Pennsylvania, (New York, 1969), pp. 113-114.

⁴Ibid., p. 143.

⁵Proceedings and Debates of the Convention ... to propose amendments to the Constitution, (Harrisburg, 1838), v. 10, p. 45.

Indeed, future undisturbed voting by blacks indicated that election officials interpreted the constitution to allow for this extension of the franchise.

Part of the good feelings toward blacks stemmed from the political contentment which followed the adoption of the constitution of 1790 and the election of the popular Governor Mifflin.⁶ Political power was well defined by the new constitution and neither the electorate nor their representatives felt politically challenged by economic or social change. Later in the 1830's these forces of change encouraged a sense of political insecurity which resulted in attacks on blacks and their constitutional rights. The conditions which fostered antipathy toward the blacks in the 1830's were not present in the late eighteenth century. In addition the dedicated efforts of the Society of Friends, a powerful influence in Pennsylvania at this time, did much to encourage both the abolition of slavery and the extension of human rights. At the 1783 Philadelphia Yearly Meeting a strong group of colonial Quakers were able to announce that all their members had freed their slaves and, to the disgust of many fellow colonists, had agreed to compensate their former slaves for those many years of involuntary servitude. These Quakers then proceeded to hire their manumitted slaves and encouraged others to do likewise.⁷

⁶Howard M. Jenkins, Pennsylvania Colonial and Federal, (Philadelphia, 1963), V. 2, pp. 126-127.

⁷Arthur Zilversmit, The First Emancipation, (Chicago, 1967), pp. 52-53, 82-83.

The gradual abolition of 1780, the sense of political security and the efforts of the Quakers produced a general benevolence toward the black population. But, as Winthrop Jordan has pointed out, "The Negro embodied all too effectively the failure of white Americans to remain true to nature and the corollary principles of liberty."⁸ Pennsylvanians and particularly Philadelphians felt comfortable with their gradual abolition of slavery but this comfort was short lived. Within the first few decades of the nineteenth century, conditions forced the citizens of Pennsylvania to confront more dramatically the black man in society and their reactions to these confrontations confirm Jordan's observation. The citizens did not wish to extend the principles of liberty to the black man and their attitude shifted from one of benevolence to one of hostility. Political recognition of this shift was made when the constitutional convention of 1837-38 approved the disfranchisement of the Negro population.⁹

America in the 1830's was a country in transition. Institutional and social changes were occurring rapidly and this left many people with a sense of uncertainty. Dramatic alterations in the population, cities, and religions of the United States further confused and frustrated a populace which sought touchstones of stability on which to base their lives.¹⁰ But when political, social and economic

⁸Winthrop D. Jordan, White Over Black, (Baltimore, 1969), p. 578.

⁹Elizabeth M. Geffen, "Violence in Philadelphia in the 1840's and 1850's," Pennsylvania History, (October, 1969), V. 36, pp. 385-386.

¹⁰Edward Pessen, Jacksonian America, (Homewood, Illinois, 1969), pp. 59-66; Leonard L. Richards, "Gentlemen of Property and Standing," (New York, 1970), p. 167.

stability were not forthcoming, the people lashed out at the most readily available scapegoat. Often this scapegoat was the Negro for he represented a degraded, alien force in society. Pennsylvanians suffered from these same uncertainties and sporadically struck discriminately at their black population.

The violence which haunted the Pennsylvania Negro during the 1830's was ominous. Between 1830 and 1840 the black population in Pennsylvania increased significantly. In Philadelphia it jumped from 15,624 in 1830 to 19,833 in 1840, an increase of 27%.¹¹ This increase in population aggravated racial tensions which occasionally burst into street violence. The economic panic of 1837 and the subsequent depression created greater anxieties and job competition. All these factors formed the background for social unrest which resulted in violent attacks against blacks and their supporters.

Violence against blacks was not uncommon before the 1830's but that decade witnessed a notable increase in such attacks. During street fights in 1819, a Negro woman was stabbed to death by an anti-Negro mob in Philadelphia. On every July 4th during the twenties Philadelphians physically ejected all blacks from Independence Square. Pennsylvania blacks were not without spirit. In September 1824 over one hundred Philadelphia Negroes attacked the city officials who were taking a runaway slave to jail. But most violence was directed

¹¹John Hope Franklin, From Slavery to Freedom, (New York, 1947), p. 234; W. E. B. DuBois, The Philadelphia Negro, (New York, 1967), p. 27; Giffen, "Violence in Philadelphia," p. 389.

against blacks and the best they could do was make a gallant defense, as they often did. In 1834 Philadelphia suffered from three days of intense rioting. A white mob roamed through the Negro ghetto, beating on innocent victims solely because of their race, burning houses and forcing hundreds to flee the city. The violence spread to other parts of the state and in August a Columbia mob ravaged the Negro section of that city. In 1838 Philadelphia's new Pennsylvania Hall, established for the "free exchange of ideas," was burned to the ground because it housed antislavery meetings. Similarly in 1839 mobs rioted in Pittsburg and destroyed much of that city's black ward.¹² Anti-Negro violence had become a common occurrence during the thirties.

The anti-Negro riots of the 1830's underscored the growing racial antipathy. With the increase of racial prejudice arose a need for its ideological justification. The inconsistencies of democratic ideals and political practices haunted the white population and stirred the feelings of guilt that Winthrop Jordan discussed. As Jordan clearly argued, the step from guilt to increased animosity was an easy one. As whites justified their prejudice by depicting the black man as degraded, immoral and naturally inferior, they simultaneously soothed their consciences and reinforced their

¹²Sam Bass Warner, The Private City, (Philadelphia, 1968), pp.125-136; Turner, The Negro in Pennsylvania, pp. 160-165; Richards, "Gentlemen of Property and Standing," p. 33; Litwack, North of Slavery, pp. 100-103; J. Thomas Scharf, History of Philadelphia, (Philadelphia, 1884), pp. 637-652; Franklin, From Slavery to Freedom, pp. 234-235; Giffen, "Violence in Philadelphia," pp. 383-386; DuBois, Philadelphia Negro, pp. 27-31.

faith in white superiority with the same argument.¹³ Thus anti-Negro violence, though often ugly, was not socially or politically reprehensible.

The growing racial antipathy and the anti-Negro violence had political ramifications throughout the country. Antislavery and proslavery factions were waging open warfare during the 1830's and their arguments gave rise to questions about the status of free blacks in northern white communities. The Jacksonian party, in order to maintain control of the federal government, assumed a proslavery position and the South strengthened its laws against free Negroes. Simultaneously northern white communities began to re-evaluate the role of blacks in their society.

Pennsylvania was attractive to migrating blacks. Its geographical location was convenient for both fugitive slaves and southern free blacks. The state had an already established black population and had extended political privileges to blacks as well as whites. When more blacks began to enter the state in the 1830's, the population became alarmed.¹⁴ During the earlier thirties several bills were introduced to the state assembly to restrict Negro immigration but none passed. Likewise, a movement for the disfranchisement of blacks began.¹⁵ As anti-Negro sentiments increased,

¹³Jordan, White Over Black, pp. 577-579; William Stanton, The Leopard's Spots, (Chicago, 1960), p. 122-136.

¹⁴Pennsylvanian, November 8, 1837; DuBois, Philadelphia Negro, p. 27.

¹⁵DuBois, Philadelphia Negro, pp. 25-27; Turner, The Negro in Pennsylvania, pp. 150-151.

Pennsylvania politicians sought ways to strip blacks of their political privileges and enhance their own situation in the doing. These politicians were generally successful at arousing public animosity toward the blacks and were responsible for the constitutional disfranchisement of Negroes in 1838.

Pennsylvania was not the only state which suffered from intense racial confrontation. Numerous reports of riots and criminal attacks on blacks were made in New York City and Boston. All northern states through which fugitive blacks traveled or which attracted free blacks developed increasing racial animosity. The rise of the American Colonization Society exemplified this growing antipathy toward blacks. By presenting a degraded and disgusting picture of the Negro, colonizationists hoped to foster support for their planned deportation of free blacks but succeeded mostly in inflaming current prejudices. The entire basis of colonization rested on the premise that blacks were inferior and that society should cleanse itself by deporting the free men of this undesirable race. The appeal of the American Colonization Society was quite widespread and thus drew a clear picture of the national scope of bigotry.¹⁶

The future for blacks looked quite bleak as the nineteenth century progressed. White men reacted violently against blacks for reasons which varied with every incident but certain fears appeared consistently. The white man was determined to maintain and rely on

¹⁶ Richards, "Gentlemen of Property and Standing," pp. 33-36; Litwack, North of Slavery, pp. 30-39; Turner, The Negro in Pennsylvania, pp. 163-168.

the ideas of white superiority. Any gesture which threatened this superiority had to be vigorously smashed. Antislavery and abolitionist movements jeopardized white man's position of authority but on the other hand, the American Colonization Society reinforced it.¹⁷ Likewise, the right of suffrage represented a direct threat to the political power of white society and could not be tolerated. In turn, the presence of pro-Negro sentiment was a challenge to the traditional values of Jacksonian America. The defense of white superiority and the established moral values of 1830 American society formed the backbone of opposition to Negro rights and reinforced growing racial prejudice.

Political rights, particularly the right to vote, became sacredly guarded by most "democratic" citizens. By 1838, six states had altered their constitutions to exclude blacks from voting and only five states, Maine, Massachusetts, New Hampshire, Rhode Island and Vermont, allowed them to vote. New York shackled black voters with a heavy property requirement which virtually eliminated them as a political force.¹⁸ Even the states which maintained equal suffrage felt constant pressure for change or had so few blacks that it was an easy democratic gesture. As racial prejudice grew, the

¹⁷Richards, "Gentlemen of Property and Standing," p. 43-46; Jordan, White Over Black, p. 578.

¹⁸Porter, A History of Suffrage in the United States, p. 90; Stephen B. Weeks, "The History of Negro Suffrage in the South," Political Science Quarterly, (December, 1894), V. 9, p. 677.

political world became a natural stage on which to act out their bigotry and all politicians and most voters played their parts well.

It was not until after the Civil War that the suffrage issue really came to a head but it was raised in almost every northern state prior to 1860 and the debates which ensued laid the foundation for all future arguments. In the Maine constitutional convention of 1819 an attempt was made to exclude both free Negroes and Indians. It was argued that the Indians, who still lived in large numbers in Maine, were never part of the body politic which established the governing agencies. Thus Indians were excluded. But the blacks, on the other hand, who fit perfectly in the same arguments, were so few in number that the convention delegates could invoke high democratic principles and generously extend the suffrage to include them.¹⁹ This argument used to exclude the Indians was raised again and again in other state conventions for the purpose of excluding blacks.

Likewise the New York convention of 1821 wrestled with the Negro suffrage question and reached a somewhat tainted solution. While reluctant to recognize the political rights of blacks, the New York delegates suffered from their inability to reconcile their prejudices with their democratic principles. They found a satisfying compromise. While granting suffrage to the blacks, they shackled

¹⁹Porter, A History of Suffrage in the United States, pp. 52-53.

this privilege with a property qualification of \$250.²⁰ Thus they soothed their democratic principles by granting suffrage while facing the reality of the times by so restricting it that few if any blacks could vote. This would be the last time before the Civil War that even a token gesture would be made toward granting political rights to the Negro.

Sentiment against black rights ran high in Indiana and Illinois as well. Both states had entered the union with suffrage limited to free white males over the age of twenty-one. Indianans attempted to go even further by calling for a legal prohibition against the settlement of free blacks in their state. Their attempt was unsuccessful but this strategy was to grow in popularity during the thirties and forties, usually with similar results. Joseph Kitchell, an Illinois state senator (1830), argued that Negro residents would produce moral and political evil.²¹ With growing opposition to the admission of blacks to state residency, it was clear that the extension of political equality would never be popular and the politicians responded accordingly. The frontier states were not about to grant black suffrage in these pre-Civil War days.

In the Tennessee constitutional convention of 1834, proponents of full manhood suffrage argued that blacks deserved the vote because

²⁰John L. Stanley, "Majority Tyranny in Tocqueville's America: The Failures of Negro Suffrage in 1846," Political Science Quarterly, (September, 1969), V. 84, pp. 423-25; Porter, A History of Suffrage in the United States, pp. 62, 67.

²¹Eugene Berwanger, The Frontier Against Slavery, (Urbana, Illinois, 1967), pp. 30-32.

they performed military service and paid taxes. It was noted that similar cries were made by white Americans prior to the Revolutionary war. Again a conscience-soothing compromise was reached. The Tennessee delegates agreed to exclude blacks from the franchise but also to exempt them from military service.²² The final justification for denying the blacks strongly resembled the argument used by the citizens of Maine for excluding the Indians. Since free persons of color, the delegates mused, were never part of the political compact which organized the state and the federal government, then they did not deserve or require political rights.²³ No such privileges were granted at this convention and it is sure that no one expected them.

In Michigan the story was much the same. Their convention, meeting in 1836, defeated a motion to enfranchise blacks by a vote of 63-17 and the debate showed the same tendencies as the other states discussed. In line with the Indiana and Illinois sentiment, the Michigan convention unsuccessfully submitted an article which would have allowed the legislature to bar blacks from the state.²⁴ The feeling that blacks should not be extended political rights reigned; if not unchallenged, at least it was firmly entrenched.

²²Porter, A History of Suffrage in the United States, pp. 80-81.

²³Ibid., p. 82.

²⁴Ronald P. Formisano, "Attitudes to Colored Suffrage, Michigan, 1835-1861," Michigan History, forthcoming.

Thus the dilemma of the Negro was clear. Socially degraded, economically abused, often physically attacked and politically impotent, black men were placed in "a political limbo that not only denied them the privileges of the citizen but the opportunities of the alien as well."²⁵ Pennsylvania was no exception to these trends and, perhaps better than any other state, illustrated the systematic political castration of the black man. This was not to say that the black man and his supporters refused to fight back, but rather that they always failed to win. The decade of the 1830's showed how and with what arguments this process occurred.

²⁵Pessen, Jacksonian America, pp. 62-63.

Chapter II

The Jacksonian Position on Negro Suffrage

The decade of the 1830's is generally known as the "Age of Jackson" when banking, patronage, suffrage extension, public works and Indian wars were some of the issues of the party in power. And, generally speaking, these issues dominated the news and political activity in Pennsylvania. In addition to these political questions, however, the Jacksonian Democrats of Pennsylvania paid considerable attention to the voting rights of the black residents of their state. They held public meetings to argue against black suffrage, they took the constitutional question of black voting to court and finally, they voted disfranchisement at the constitutional convention. All the evidence indicated that the Jacksonian party was responsible for black disfranchisement and for stirring racial prejudice by defending bigotry as socially and morally beneficial. The Jacksonian Democrats, so often depicted as great liberal reformers, re-formed the laws of Pennsylvania so as to limit the rights of their Negro population.

The question of Negro political rights had been a matter of some public concern during the thirties. At a Philadelphia Town Meeting on September 5, 1835, Mr. James Burden presented comments on the

issue. Since "no one acquainted with human nature would or could expect that these people would be otherwise than idle, improvident, immoral and unhappy," it would be proper to deprive them of political rights. In fact, Burden continued, they were undoubtedly better off in slavery.²⁶ Comments such as these, either favoring slavery or attacking the rights of free blacks were common in Philadelphia.

Many such discussions stemmed from interpretations of the Pennsylvania constitution of 1790 which contained no special restrictions on the voting privileges of free blacks. However, the omission of a color distinction in the constitution did not establish a clear and uncontested right to the franchise. It was the recollection of Judge Joseph Hopkinson that this question was raised after a disputed Philadelphia election in the last years of the eighteenth century. Three election judges of whom two, Mr. Lewis and Mr. Rawl, were delegates to the 1790 constitutional convention heard the case on the question of black suffrage. They ruled unanimously that free blacks who fulfilled the normal voter qualifications were entitled to the rights of an elector.²⁷ Unfortunately this decision was not documented and such hearsay evidence was insufficient to resolve the question.

²⁶Pennsylvania Inquirer, September 7, 1835; The Keystone, Harrisburg, November 1, 1837; Pennsylvania, October 30, 1837.

²⁷Proceedings and Debates, V. 10, p. 97.

It was apparent, however, that blacks often exercised the right to vote. Estimates varied but most agreed that hundreds of blacks voted in York County, some thirty or forty in Bucks County and to a varying degree in Allegheny, Dauphin, Cumberland, Juniata and Westmoreland Counties.²⁸ The exercise of the franchise seemed to rest on the individual interpretation of the local election officials. Although the local decisions varied throughout the state, the election officials of Philadelphia stood firm on their prohibition of black suffrage in that city. There were probably over 200 eligible blacks in Philadelphia²⁹ but their disfranchisement was effected smoothly. This was explained by Benjamin Martin, Philadelphia delegate to the convention of 1837-38. "In Philadelphia," he confirmed, "we have hitherto escaped being associated with these persons at the polls, owing to a construction put on the Constitution, that the right to vote could not be exercised without a previous assessment."³⁰ The assessments were never made on property owned by blacks; thus they never voted.

The question of Negro suffrage would not long remain undecided. At an election for county commissioner of Bucks County in October

²⁸Emil Olbrick, The Development of Sentiment on Negro Suffrage to 1860, (Madison, Wisconsin, 1917), p. 51; Turner, Negro in Pennsylvania, p. 185; Proceedings and Debates, V. 9, p. 380.

²⁹Sixth Census of the United States, (Washington, 1841).

³⁰Proceeding and Debates, V. 3, p. 83.

1837, Abraham Frety defeated Jacob Kachline by the slim margin of twenty-three votes. Kachline, a Jacksonian Democrat, contested the outcome on the basis that "between thirty and forty votes were received from and polled by Negroes ... who, it is believed, have no legal right to vote."³¹ The question of the legality of black votes was headed to court for a final determination.

But the Jacksonian Democrats of Bucks County were not predisposed to sit quietly and await the court's decision. They were incensed that election officials had so long tolerated black voting and, no doubt, particularly disturbed since the Jacksonian stand on slavery encouraged blacks throughout the north to vote against their candidates.³² Thus the Democrats called a mass meeting at Harris White Bear Tavern on October 21, 1837, "to take into consideration and adopt such measures as would effectually check negro voting in the county."³³ This meeting and a subsequent one in December received extensive publicity from Jacksonian Democratic newspapers and thus aroused considerable interest in the issue of black political rights.

The Bucks County Democrats were quite emphatic in their belief that blacks had no political rights whatsoever. Their memorial, adopted in October, read in part,

³¹Pennsylvania Reporter and Democratic Journal, January 26, 1838.

³²Pessen, Jacksonian America, p. 215.

³³The Keystone, November 8, 1837.

... from the foundation of the province of Pennsylvania by William Penn and his coadjutors, the negro race have always been considered and treated by our laws, and the universal practice under them, as inferior in a political condition to the white, -- never having been considered or treated as a part of the political community in whom the powers of Government was vested, but as subordinate and absolutely subject to such disposition as the white government might make in relation to them.³⁴

Furthermore, the Bucks County Jacksonians claimed that the illegal votes of blacks had resulted in the election of several Antimasons. By allowing blacks to vote for the past several years, they continued, political control of the county had shifted into the hands of the Antimasons. This shift was not the will of the majority of legal voters and thus "the rights of white citizens and freemen have been violated and trampled upon by negroes."³⁵ If, as the Jacksonians themselves claimed, they lost control of the county because of black votes, it was no wonder that they were becoming more acutely concerned with black suffrage limitation.

While the Bucks County Democrats heaped vituperation on the blacks of their county, they also struck at what would become an important issue in the courts and of major interest to the delegates at the state's constitutional convention.

It is true that in 1780 ... an act was passed for the gradual abolition of slavery in

³⁴Ibid.

³⁵Ibid.

Pennsylvania -- repealing the principal provisions relative to negroes, but not conferring any additional privileges or recognizing negroes as freemen, of any part of the political community ... Under our interpretation of the constitution, no negro or mulatto can be considered a freeman.³⁶

The question became one of whether the gradual abolition of slavery and the repeal of the associated black codes constituted the granting of equal rights to blacks or whether these rights had to be conferred explicitly. The Jacksonians took a strict constructionist point of view which noted that prior to 1780 blacks were specifically excluded from citizenship and the mere relief of some legal restrictions did not imply the granting of citizenship rights.

The Pennsylvania Jacksonians were actively seeking the disfranchisement of their black neighbors and if this meant that they must deny citizenship to free blacks as well, they were quite willing to do so. Although this view would seem surprising in light of the Jacksonian reputation for suffrage extension, it was truly consistent with their position on slavery and the views of their party leader, Andrew Jackson.³⁷ Indeed, this anti-suffrage position was not unique to Pennsylvania as the Van Buren faction in New York was responsible for the heavy property qualifications thrust on black voters in that state. In Michigan, too, it was a Jacksonian majority

³⁶ Ibid.

³⁷ Pessen, Jacksonian America, pp. 155-159; Dwight Lowell Dummond, Antislavery, (Ann Arbor, Michigan, 1961), p. 207.

that opposed black suffrage.³⁸ Although never made part of the party platform, the Jacksonian position was clearly opposed to extending the franchise to blacks.

But the strict constructionist position was, at the instigation of the Jacksonians themselves, to be settled in court. On December 28, 1837, the opinion of the Court of Quarter Sessions was delivered by Judge Fox who ruled in favor of the complaintant and upheld the Jacksonians' argument. With this decision the blacks not only lost their right to vote but their right of citizenship as well.

Within the laws of Pennsylvania, extending back to the original charter granted to William Penn, no definition of "citizen" or "freemen" could be found. Judge Fox was forced to rely on an interpretation of the intentions of the original founders and their predecesors. Penn's original charter contained two fundamental principles: the right of freemen to choose a general assembly and their right to trial by jury. These rights were intended for white men only because Pennsylvania was a "community of white men exclusively." Almost simultaneously with the issuing of the charter, slaves were introduced into the colony and laws were passed for their regulation. Among these provisions were special laws for the hearing of cases which involved Negroes. These laws authorized

³⁸Lee Benson, The Concept of Jacksonian Democracy, (New York, 1966), p. 318; Formisano, "Attitudes Toward Colored Suffrage, Michigan, 1835-1861."

justices of the peace to pass judgements on blacks in cases where whites were guaranteed a trial by jury. Thus, Fox argued, the founders of Pennsylvania never intended Negroes to have the same rights and privileges as white freemen. On the basis of his interpretation of the intentions of the Pennsylvanians' founding fathers, Fox concluded that the right of citizenship was limited to white men only.³⁹

In 1725, laws for the regulation of free Negroes were passed. These laws imposed such serious limitations on their actual freedom that Judge Fox concluded:

Although Free Negroes, and men that were free from the control of any private master, yet they were an inferior and degraded animal, and political slaves of the actual Government. The whites were governed by one set of laws, made by themselves and the negroes by another, and most severe code, made by their white superiors. There was no equality in their political or social condition ... It is thus plain that a Free Negro was not a freeman as it was understood by the provincial law makers, William Penn and his associates.⁴⁰

Having established that blacks occupied a low and degraded place in colonial society, without rights or privileges, Fox turned to an examination of the constitution of 1776 and subsequent laws.

An examination of this constitution rendered a similar verdict:

The conclusion is irresistible, that the negroes, bond or free, were not considered, as being born free, or as having any

³⁹ Opinion of the Court of Quarter Sessions, republished in The Keystone, January 28, 1838.

⁴⁰ Ibid.

inalienable rights. Besides the freemen of the Commonwealth were directed 'to be trained and armed in its defence,' and the trial by jury was secured to all parties to that instrument, both of which were inconsistent with the laws in force for the government of negroes.⁴¹

Neither colonial policy nor the constitution of 1776 left much hope for the Negro's position. Since no constitutional precedent existed for the inclusion of Negro political rights and, on the contrary, all precedent indicated a deliberate exclusion of these persons, the strict constructionist point of view of both the Jacksonians and Judge Fox required that these rights could be extended only by an explicit act of law.

The 1780 act for the gradual abolition of slavery in Pennsylvania provided that no Negro born after its passage would be a slave for life nor would any Negro be tried in a fashion other than that by which whites were tried. This act also repealed all special laws for the governance of Negroes. However, as Judge Fox clearly pointed out, the act did not give them political rights nor did the legislature have the power to do so when such action would run contrary to the intentions of the constitution.

The question centered on whether the constitution of 1790 extended political privileges or not. That constitution stated that "in elections by the citizens, every freeman of the age of 21 years ... shall enjoy the rights of an elector." These conditions implied

⁴¹Ibid.

that an elector must be a citizen as well as a freeman. As such, the elector not only had the right to choose those officers who oversaw the government of the state but to be chosen as one of those officers. It was impossible for Judge Fox to believe that writers of the constitutions ever intended blacks to be eligible for office. Since the only requirements for office were citizenship and length of residency, blacks could not have been considered citizens.⁴²

Fox expanded his argument to include the federal constitution as well. He argued that the framers of Pennsylvania's constitution adhered to the principles of the United States constitution and indeed used the federal document as a model. Eight of the thirteen states which adopted that model were slave-holding states with no intention whatsoever of extending equal rights to their black residents. The federal constitution provided that the citizens of one state were entitled to all the privileges extended to citizens of another state and, as Fox saw it, no slave-holding state would have accepted this provision if they believed it pertained to free blacks. For Fox, the intentions of the federal constitution were clear -- free blacks held no political rights.⁴³

But the most potent argument for the exclusion of black citizenship and a clarification of the constitutional intent rested in the

⁴²Ibid.

⁴³Ibid.

language of the first naturalization law passed on March 26, 1790. The wording of this law was most explicit. It confined the right to become a citizen to "free white persons" only. Thus with all the evidence presented above, Judge Fox concluded:

... that the people of Pennsylvania who framed the present Constitution (1790) were a political Community of white men exclusively, and that colored persons of the African blood, were not contemplated by that Constitution. That the latter have not, and never had, any chartered or Constitutional rights but have always been, and still are, subject to such laws as the sovereign power may make for their Government. That power may elevate the negro, if it deem fitting, to equality in political power with itself ... It is not enough for us that they have not yet done so. The Constitution of 1790 left them as it found them.⁴⁴

Judge Fox upheld the arguments of the Jacksonian Democrats of Bucks County that Negro suffrage must be explicitly conferred by law.

Fox's decision and the reasoning behind it closely resembled the opinion of Supreme Court Justice Roger B. Taney in the famed Dred Scott case. Taney argued that free Negroes were not citizens because they had not been members of the body politic at the time that the constitution was formed. In addition, "they (Negroes) were considered as a subordinate and inferior class of being ... and had no rights or privileges but such as those who held the power and the government might choose to grant them." Taney substantiated

⁴⁴Ibid.

his opinion by showing that English and American law and practice had relegated the Negro to special, inferior status in society which excluded them from rights of citizenship.⁴⁵ Clearly Fox's opinion was more than the isolated and obscure reasoning of a Pennsylvania county judge. It was the product of the Jacksonian attempt to reconcile democratic principles and Negro disfranchisement.

Judge Fox's opinion was important for Pennsylvania, not because it was a grand or brilliant decision, but rather because it disfranchised all the free black men of the state and carried considerable influence in the constitutional convention of 1837-1838. Fox argued that because blacks originally entered the state in a degraded political situation, as slaves, they could not be elevated from that position except through law. This in fact occurred. They were freed from slavery by law. They were freed from the old black codes by law. But how could they be freed from the denial to vote? This was the refusal of a right, not the imposition of a restriction. The Negro was never explicitly granted the right of trial by jury but rather relieved from a special code which had

⁴⁵Vincent C. Hopkins, Dred Scott's Case, (New York, 1967), pp. 62-67. Sitting on the Supreme Court with Taney was a Pennsylvania lawyer, Robert C. Grier, and the relationship between Fox's decision, Grier and the Dred Scott decision deserves more careful study and investigation.

empowered summary courts. In turn the blacks were never explicitly granted the right to bear arms, the right of assembly or the right to worship as they pleased but again simply relieved from restrictive codes. Why then did it follow that, as Judge Fox argued, they needed an explicit legal right to vote?

The answer lies in the language of Judge Fox's opinion:

That the negroe race was then, and still is a degraded caste, and inferior in rank to the white, cannot I think be doubted. What white man would not feel himself insulted by a serious imputation that he was a negroe, and who, having believed himself to be of the white race, if he should be found to be strongly tainted with black blood, would not feel and experience, that he had fallen greatly in social scale? ... Into what depth of degradation would a white female, previously in the elevated ranks of life, sink who should dare to brave public feeling so far as to marry a negro?⁴⁶

Although the judge attempted to use logic to support his opinion, he was affected by his own race prejudice and the prejudice that was socially prevalent at the time. There was no legal logic that could deny the black his right to the franchise, but there existed such a strong social prejudice that the laws were made to bend to it.

A similar case was first heard in July 1837 and then reversed with the same type of logic after Fox had delivered his opinion. In the case of Hobbs et al. versus Fogg, a black man, William Fogg,

⁴⁶ Opinion of the Court of Quarter Sessions.

brought an action against the inspector and judges of the general election held in October 1835. Fogg declared that he deserved the right to vote, being a freeman twenty-one years old and having paid a tax, but that he was denied his right at this election. Judge Scott charged that "we know of no expression in the constitution or laws of the United States, nor in the constitution or laws of Pennsylvania, which can legally be construed to prohibit free negroes ... otherwise qualified, from exercising the rights of an elector." However, Scott's opinion was reversed by Judge C. J. Gibson on the testimony of one James Gibson, a Philadelphia lawyer, who recalled a case heard about 1795 in which the high court of errors and appeals ruled against the right of Negro suffrage. Unfortunately, the case was never reported and no record of the case existed but Mr. Gibson's memory after forty-two years was admissible. In addition Gibson's court ruled that slavery was an American institution and since the constitution had to be interpreted "in the spirit of our institutions," the court pronounced that men of color are "destitute of title to the elective franchise."⁴⁷

The judicial system was not amenable to aiding the black man in his struggle to maintain his political rights. Nor was racial prejudice absent from the courtroom. The Pennsylvania courts had ruled against the Negro's right to the suffrage and had done so

⁴⁷Helen Tunnicliff Catteral (ed.), Judicial Cases Concerning American Slavery and the Negro, (Washington, 1936), V. 4, p. 288.

in a fashion that was blatantly racist, assuming that Negroes could not be citizens because they were inferior to whites.

However, the Bucks County Jacksonians were not fully satisfied with the court's decision, nor were other residents of the state. Since a constitutional convention had been called in the election of 1835, petitions were forwarded to that body with the recommendation that specific action for the disfranchisement of blacks be taken. Indeed many petitions were received by that august body and the question of black suffrage was unavoidable.

Chapter III

Negro Suffrage and the Constitutional Convention of 1837-38

A constitutional convention was the one arena in which Negro disfranchisement could be achieved beyond any reasonable doubt and the Jacksonians were prepared to use the convention for this purpose. The constitutional debates showed clearly the Jacksonian opposition to Negro suffrage and their related fears concerning the changing American society and its traditional values. In addition the debates revealed the extent of racial prejudice in the political parties represented and the futile attempts to conciliate this prejudice with a firm belief in democratic principles of equality.

Early in the 1830's there had been agitation for a constitutional convention. Generally those favoring the convention were Jacksonian Democrats who wanted popular election of judges and a review of the incorporation procedures, particularly as they related to banking. When the General Assembly finally submitted the question to popular vote, the call for a convention was passed by the narrow margin of about 13,000 votes.⁴⁸ Generally the Jacksonian Democrats supported the call for a convention, the Whigs opposed it

⁴⁸Proceedings and Debates, V. 9, p. 357.

and the Antimasons remained silent. More significant than the party positions was the fact that the question of a convention aroused very little public interest. Thirty-eight thousand electors who cast votes in the gubernatorial contest did not bother to vote for or against the convention.⁴⁹

The convention convened on May 2, 1837, and although not specifically concerned with the black suffrage question, since it had only been of sporadic interest, the delegates were not long in beginning debates on the issue. The first order of business on the voting qualifications was an amendment by Benjamin Martin, a wealthy Jacksonian from the County of Philadelphia and also a member of the Society of Friends.⁵⁰ Martin moved that "the rights of an elector shall in no case extend to others than free white male citizens."⁵¹

The reasons for this amendment, by Martin's own admission, were based on racial prejudice and the fears which this prejudice engendered. Quoting statistics presented in legislative journals, Martin was alarmed by the increasing number of black inhabitants in Pennsylvania:

⁴⁹Charles McCool Snyder, The Jacksonian Heritage, (Harrisburg, 1958), pp. 99-100; Rosalind L. Branning, Pennsylvania Constitutional Development, (Pittsburg, 1960), p. 22; Proceedings and Debates, V.1, p. IV.

⁵⁰W. W. H. Davis, "Negro Suffrage in Pennsylvania in 1837," The Era Magazine, V. 12, 1903, p. 387.

⁵¹Proceedings and Debates, V. 3, p. 83-86.

The increase of colored inhabitants in this State, from the year 1790, is larger in proportion to the members, than in the white population. The great increase of the colored population, the fact that it is still increasing rapidly, and the certainty that, after the adoption of the constitution we are now making, the increase will be still more rapid, constitute the reasons which induced me to offer this amendment.

This increase of black residents, Martin continued, should frighten every delegate because it represented a threat to the peace and tranquility of their society. But even more distressing was the fact that in some areas of Pennsylvania blacks were presently voting. If this situation were allowed to continue, huge numbers of blacks would go to the polls in Philadelphia and be able to elect black ward leaders and officers and control certain areas of the city. Since black people could never "rank on an equality with the white citizen," it would be foolhardy and dangerous to tolerate such a possibility.⁵²

Martin, preying on race prejudice, tried to use an anthropological argument to show that blacks were incapable of exercising the vote with any responsibility. The leading anthropologists of the day believed that the Negro was "innately inferior and that neither education nor environment could do much to improve him."⁵³

⁵²Ibid.

⁵³Thomas F. Gosset, Race: The History of an Idea in America, (New York, 1965), p. 54; William Stanton, The Leopard's Spots, pp. 34-36, 110-112.

Martin concurred and made reference to these scientific observations as a justification for his prejudice.

But these arguments in June of 1837 didn't generate the excitement that the future debates would. Martin was supported by a young postal clerk from Philadelphia County, John J. McCahen, who later gained some notoriety by leading a mob of Jacksonians in protest against the actions of Governor Ritner.⁵⁴ McCahen conceded that the constitution of 1790 allowed black suffrage but that this practice was contrary to the "motives of policy and public opinion" which pervaded the state. Thus he would comply with the sentiment of the state as he interpreted it and vote for the amendment.⁵⁵

Only a few delegates spoke against the amendment and essentially the debate was short and quiet. This was somewhat understandable since most delegates did not wish to raise another controversial issue when there was so much to be resolved already. More importantly, these debates were held before the disputed Bucks County election which greatly aroused public sentiment against Negro suffrage.

When the vote was taken, there must have been some amazement on the part of several delegates, although there was no indication of such, because Martin's amendment to exclude blacks from the

⁵⁴Jenkins, Pennsylvania, p. 298.

⁵⁵Proceedings and Debates, V. 3, pp. 87-92.

franchise was defeated, 49 yeas to 61 nays.⁵⁶ Of the forty-nine delegates who favored the amendment, forty-three were Jacksonian Democrats and six were Antimasons. No delegates from the city of Philadelphia, where Benjamin Martin feared an uprising of black voters, favored the amendment. All Philadelphia delegates were Whigs. Of the opponents, fifty-three were Antimasons and Whigs and eight were Jacksonian Democrats. Three of the dissident Jacksonians came from the western part of the state and from counties which had only a negligible black population. Twelve Whigs voted against the amendment and three abstained, while the remaining opponents were Antimasons.

Clearly there appeared to be a party preference. It was a Jacksonian who proposed the amendment and only Jacksonians defended it. Consistent with its introduction and defense, the majority of Jacksonians voted for it. In turn, the Whigs and Antimasons made up the majority of the opponents. Although this vote gave an indication of the party positions on the question of black suffrage, it did not represent a final resolution of the problem. The disputed election in Bucks County and increased public interest forced the issue back on the convention floor at a later date. The debates and subsequent votes made the Jacksonian position even clearer.

In the middle of January 1838, the convention delegates turned again to the question of black suffrage. And as before, Benjamin

⁵⁶Ibid.

Martin began the debates by proposing that the word "white" be inserted before the word "freeman" in those sections which governed suffrage qualifications. But these debates were of greater importance than the earlier ones. William Darlington, an Antimason from Chester County, expressed this new interest when he said that "no question had been brought before this body which was of greater importance."⁵⁷ Darlington's comment was supported by newspaper accounts which emphasized the importance of the black suffrage question.⁵⁸ On January 24, 1838, the Pennsylvanian, a Philadelphia Jacksonian newspaper, reported that "the debate is viewed with great interest and the attendance of spectators was as great as the space assigned them could possibly accomodate. It is not surprising that this discussion should awaken such interest. It treats of a matter of immense importance ..."

Racial prejudice pervaded all the discussion on the black suffrage issue but was particularly noticeable in the comments of the amendment's originator. "To hold out to them (Negroes) social rights," Martin proclaimed, "or to incorporate them with ourselves in the exercise of the right of franchise, is a violation of the laws of nature ... that must bring down upon them the resentment of

⁵⁷Proceedings and Debates, V. 9, p. 38.

⁵⁸Pennsylvania Telegraph, January 24, 1838; Pennsylvania Reporter and State Journal, December 20, 1837.

the white population."⁵⁹ In turn, the elevation of the black man would only result in the degradation of the white man which would culminate in a war between the races. Martin viewed any attempt to alter the status of blacks as a crime against nature and its established social order. Such crimes were intolerable because they threatened the tranquility and progress of society.

This moralistic approach, as expressed in Martin's feeling that black suffrage represented a contradiction to the natural and social laws of society, dominated much of the Jacksonian rhetoric of the period. In The Jacksonian Persuasion, Marvin Meyers showed how the Jacksonians utilized a moralistic defense of the political, economic and social values of the past as a basis for political appeal.⁶⁰ Although Meyers stressed the bank question as the key, symbolic issue, the same type of defense of traditional values was used by Benjamin Martin in his attacks on black suffrage. Blacks had traditionally been relegated to the lowest strata of society; more often than not they were slaves, and as such, they offered some comfort to the lower class whites who could feel politically and socially superior. If blacks were elevated to political equality with whites, this traditional social structure would be disrupted. Martin, referring to the "oppressed poor" of his own race, saw that

⁵⁹ Proceedings and Debates, V. 9, p. 321.

⁶⁰ Marvin Meyers, The Jacksonian Persuasion, (Stanford, 1957), pp. 1-15.

any alteration of the Negro's status in society would disturb the traditional social structure. He called it a "degradation of the white man," and it had to be avoided.⁶¹ Martin was using a defense of traditional values to attack black suffrage.

Along these same lines, Martin feared the influx of free blacks into Pennsylvania because a mass population shift would challenge existing social and economic structures. If positive action weren't taken soon, Pennsylvania would become a "receptacle of fugitive slaves and runaway negroes," much to the disadvantage of the honest and industrious mechanics and working classes of society. Economically, the working classes would suffer because blacks would accept lower wages and lower standards of living, and if whites didn't compete, they would lose their jobs.⁶² Martin reasoned that black suffrage would encourage immigration which would, in turn, disrupt the economic balance and alter the traditional system.

The question of political equality for blacks was constantly associated with social equality. But association with blacks had long been considered socially unacceptable and Martin was not beneath questioning the repercussions of such activity.

When we saw ladies of the highest respectability met in grave assembly, and passing resolutions in favor of what they called their coloured brothers and sisters, while,

⁶¹Proceedings and Debates, V. 9, p. 322-323.

⁶²Ibid.

at the same time they would not associate or intermarry with them, how could we believe that they were in earnest when they talked as they did? If one of those ladies were likely to become the sister of a coloured woman, would not any such attempt be frowned upon, in the most indignant manner by both sexes of her own race? Of, if a brother of any of those ladies were to marry a coloured woman, would they not be equally mortified and indignant?⁶³

Clearly any of the suggested presumptions would have brought seething attacks on any person who dared to break these social taboos. The possibility of such "indignities" and the fact that certain "respectable ladies" would dare to tread near such activity was a threat to the established social codes.

Benjamin Martin was not the only delegate to raise his voice against Negro suffrage. John Sturdevant, a Jacksonian from Luzerne County and later a representative at Harrisburg, denied that blacks ever held the rights of citizenship, either by the constitutions of 1776 or 1790. Referring to the history of Pennsylvania and the intentions of its citizens in a fashion quite similar to the opinion of Judge Fox, Sturdevant settled, to his own satisfaction, that blacks had never been citizens nor electors. He was willing to continue all rights which blacks presently held and to place them "as nearly on an equality with the white, as this condition of their

⁶³Ibid.

race would warrant."⁶⁴ But of course it would not warrant political equality.

In addition, Sturdevant argued that "it is not the desire of the black to enjoy the right of suffrage." Unfortunately there was a grave misunderstanding here, probably due to the fact that Luzerne County had but 194 black residents. Contrary to Sturdevant's view, blacks made a considerable effort to indicate their strong desire for suffrage.⁶⁵ Undoubtedly the efforts of the blacks were ignored by most white Pennsylvanians.

Sturdevant noted that blacks held equal rights with a majority of the people of Pennsylvania, "if you include the women and minors." Since neither the women nor the minors had complained of their lack of rights and they were often "superior in intellect and intelligence," he objected to expanding the franchise.⁶⁶ Such arguments were blatantly racist and yet they stirred no rebuttals and were generally accepted by the body of delegates.

Like Martin, Sturdevant's basic argument was a defense of the traditional practices of society. Society had, for years, placed blacks in a special class. Sturdevant saw no reason to alter what

⁶⁴Ibid., p. 328.

⁶⁵Turner, Negro in Pennsylvania, p. 19. Turner listed an almost endless number of petitions and documents from blacks. See also, Appeal of Forty Thousand Citizens, Threatened with Disfranchisement to the People of Pennsylvania, (Philadelphia, 1838).

⁶⁶Proceedings and Debates, V. 9, pp. 328-330.

had been a successful and acceptable procedure. Sturdevant favored

standing by the institutions and ideals established by our fathers of the revolution. While, on the one hand, he would do all in his power to produce union and harmony he must, on the other hand, stand by those institutions, which had long been established, and which had been productive of such unexampled happiness and prosperity.⁶⁷

While not explicitly stating so, he implied, as a good Jacksonian would, that he favored slavery and did not wish to take any action that would disturb it. Acceptance of the traditional life styles and institutions was basic to Sturdevant's arguments.

John B. Sterigere, a lawyer and Jacksonian Democrat from Montgomery County, reemphasized Sturdevant's attack on changing the established custom when he argued that, after traveling all across the state to determine suffrage sentiment, he was convinced that the "people of this state are for continuing this commonwealth what it always has been, a political community of white persons." Political privileges had been reserved exclusively for white male citizens for over one hundred-fifty years and no valid reasons existed for the alteration of this policy while public sentiment was clearly opposed to any change.⁶⁸

These Jacksonian opinions against black suffrage contained numerous references to traditional state and federal policies, to

⁶⁷ Ibid.

⁶⁸ Ibid., p. 357.

past political leaders and to established political and social custom. Blacks were feared because they could claim no historic acceptance in white society and because they were viewed as men with no social foundation to guarantee their conduct. The Negro life style and religion varied from that of the whites because it was rooted in a dramatically dissimilar past. To accept this distinctly different group required a willingness to adapt to changing social customs which few persons of the day could accept. This need to maintain the status quo was reinforced by a tremendous and almost unanimous racial prejudice. This racial prejudice was undoubtedly the basic reason for excluding black voters but the justification for this action lay in a defense of the traditional values and customs of society.

In using tradition as a justification for excluding black suffrage, the Jacksonians relied heavily on their perception of community opinion. Public opinion would smash any constitution which dared to extend the suffrage, they claimed. The opponents of suffrage extension demanded the delegates to be responsive to their constituencies and if they were honest men, they could do nothing else than reject the Negro claims.⁶⁹ The Jacksonian press reflected the same evaluation of public sentiment. The Pennsylvanian editorialized that "we are at least tolerably sure that nine-tenths

⁶⁹Ibid., pp. 357, 372, 392; V. 10, p. 25.

of the people of Pennsylvania are opposed to granting equal political privileges to the negro race."⁷⁰ And so it ran. The Jacksonians correctly analyzed the unpopularity of suffrage extension and recognized the political advantage of constantly referring to this unpopularity.

The Jacksonians realized that public opinion was responsible for maintaining the accepted social customs of the day. The society had constructed a moral prohibition against associating with blacks or altering their status. Granted, there were many economically successful blacks but their success was confined by rigid social barriers. To challenge these barriers by permitting Negro suffrage was an attack on approved social customs and also an attack on the moral principles of that society. It was considered immoral for a white to marry a black or for a white to associate socially with a black. The Jacksonians supported these moral prohibitions by translating them into political action, in this case, the disfranchisement of blacks. While using social attitudes as justification for political action, they were coincidentally reinforcing those attitudes. While fighting suffrage extension on the grounds that it contradicted societal values, the Jacksonians acted out the community's racial prejudice, and in turn, reinforced those prejudices.

⁷⁰ Pennsylvanian, January 20, 1838. See also Harrisburg Chronicle, July 5, 1837 and The Keystone, November 8, 1837.

Beyond the rhetorical justifications of their actions, as described above, the Jacksonians understood the hard political realities of suffrage extension. Nationally they were a party of both northern and southern politicians; an alliance between the "old Republicans" of the South and the New York Democrats gave the party its real strength.⁷¹ To aid black suffrage would weaken this alliance. Charles Brown, a Philadelphia merchant and Jacksonian delegate to the convention, reminded the convention not to put themselves "in an attitude of defiance to the southern states," but rather to do "all that lay in our power to quiet the apprehensions and alarm which the mad schemes and conduct of northern abolitionists had created among them."⁷² Brown cautioned that any action taken in the convention must be reconciled with its material implications. James Buchanan, then United States Senator, counseled similar restraint.⁷³ Pennsylvania Jacksonians showed sensitivity for their southern colleagues and did not wish to see their relationships strained.

In an interesting rationale, one delegate defended the franchise limitation amendment because he feared that black suffrage

⁷¹Richard H. Brown, "The Jacksonian Pro-Slavery Party," Edward Pessen (ed.), New Perspectives on Jacksonian Parties and Politics, (Boston, 1969), p. 284-288.

⁷²Proceedings and Debates, V. 9, p. 392.

⁷³James Buchanan to Jonas R. McClintock, January 13, 1838. James Buchanan Papers.

would serve to weaken the colonization movement.

Colonization is the antidote both for slavery and that wild fanaticism (abolitionism), which is far spreading now, and destined one day to rock this Union -- it is the best expedient for both the blacks and the whites. Sir, by giving the blacks the right of suffrage, an everlasting obstacle is thrown in the way of colonization -- it will chain them to us ...⁷⁴

These comments were significant because they exposed the desire to resolve the suffrage problem or any black-related problem by ridding the nation of its free black population altogether. In addition, as shown by Leonard Richards, such reasoning revealed that the anti-abolitionists visualized themselves as "protectors of the Union" and "defenders of orthodoxy."⁷⁵ For some, colonization represented the only way to protect the traditional values of society and black suffrage ran directly contrary to this goal.

The Jacksonians presented a variety of arguments in favor of black disfranchisement but the underlying force which transcended all their points of view was racial prejudice. Although most delegates disclaimed any personal prejudices, they defended the contemporary social attitudes which place blacks in a degraded, inferior status. They noted without criticism the legal and social precedents which had relegated blacks to their lower position in society. This

⁷⁴Proceedings and Debates, V. 10, p. 24.

⁷⁵Richards, "Gentlemen of Property and Standing", p. 69-70.

was not to say that the Jacksonians were above presenting the contemporary scientific proof of Negro inferiority but rather that they relied most heavily on a defense of the established political, economic and social structures of the day. Blacks threatened the economic base of the lower class whites, the political balance in areas where they resided in large numbers, and the social morality of the whole society. The Jacksonians contended that to elevate this maligned race would result in a dramatic disruption of the whole society. They wanted no part of such action.

On the other side of the convention floor sat a coalition of fifteen Whigs and fifty-two Antimasons. From these delegates came a defense of Negro political rights. While the Jacksonians argued from a sense of political reality and an understanding of contemporary social attitudes, the Coalition took a more idealistic and philosophical point of view. They believed that unless explicitly excluded, the rights of American constitutional government extended to all human beings, regardless of race.

William P. Maclay, a farmer and Antimason from Mifflin County, raised the proposition that all governments are based on first principles and in the case of the United States these were the principles of justice and morality. The founders of Pennsylvania, consistent with these principles, wrote two constitutions, neither of which included provisions against black suffrage; therefore, to introduce an exclusion clause would be a departure from the intentions of the founders. "To adopt the proposed measure would be a

retrograde movement in the march of free government, it would be receding from our own best principles."⁷⁶ Once the foundation of government was established, honesty demanded that men remain consistent to it and yet the amendment to exclude blacks was not.

If you make the right of suffrage to depend upon qualifications, which every man has an equal right and an equal chance to acquire or to keep, it is all fair, or in the language of the constitution 'elections are free and equal.' But to make the criterion of a man's right to vote, to depend on his complexion -- a matter which no man can control -- is to establish an arbitrary rule, altogether inconsistent with every principle of reason and justice.⁷⁷

Maclay, recognizing that his position would be unpopular, still defended black suffrage because disfranchisement was inconsistent with his beliefs in justice and morality.

Although a principled man, Maclay was not free of racial prejudice: "I am ready to admit that the people of colour, as they are called, in their present depressed and uncultivated condition, are not a desirable species of population." But this attitude did not interfere with his sympathy for their condition because it was basically an environmentalist approach. Maclay recognized that blacks had not come to America by their own choice, that they had

⁷⁶Proceedings and Debates, V. 9, pp. 332-333.

⁷⁷Ibid.

been forced into a condition of slavery, subjected to white domination and rule and never given a vehicle to express their grievances or influence their condition. Because whites held such a dominant position, it was their obligation to ensure that justice be done.

"Let the law be just," he declared, "whether men will be just or not."⁷⁸

In a very simple but convincing fashion, Maclay rebutted the Jacksonian contention that blacks should be disfranchised because they were not then nor ever had been citizens of Pennsylvania. If they were not citizens, then the question of suffrage was a moot point because voting was already restricted to citizens only.

Maclay submitted that by raising the question initially the Jacksonians had indirectly admitted their right to citizenship.

Maclay had set the tone for the defense of Negro rights. The coalition turned to high moral and political principles as a justification for suffrage expansion. To support these principles they referred constantly to the founding fathers and their legal documents. While admitting their own prejudices or ignoring the question of racism altogether, they relied heavily on the belief that America was established with high liberal ideals that must be retained without contradiction.

James C. Biddle, a relative of the banker Nicholas Biddle, declared that any change in the suffrage law would be inconsistent

⁷⁸Ibid.

with the principles of the Declaration of Independence.

... he found it difficult to reconcile his mind to the language that 'all men are created free and equal,' with a restriction of the privileges of a particular class of men, on account of their complexion. He, also, found it equally difficult to reconcile his mind to the preamble of the constitution of 1776, which declared that they had met expressly for the purpose of framing a government for the freemen of the commonwealth of Pennsylvania, without partiality for, or prejudice against, any particular class.⁷⁹

In answer to the Jacksonians who felt black suffrage violated the United States constitution, Biddle pointed out that that document gave each individual state the right to determine who should be a citizen of the Union and who should have the right to vote. There was no provision for the exclusion of Negro voters in the United States constitution and there was no contradiction of the basic principles of the founding fathers. Pennsylvania proposed to introduce these exclusions and Biddle objected.

In connection with their interpretation of the high principles of American government, the Coalition Party tied the issue of suffrage exclusion to the general question of the morality of slavery. The political rights of the black residents of Pennsylvania were being challenged for the sole purpose of appeasing the southern slaveholders. Although Pennsylvania had abolished slavery in 1780

⁷⁹Ibid., p. 354.

and had a clear constitutional right to determine its own suffrage qualifications, the influence of the South was clouding the issue with its own need for the perpetuation of slavery. A denial of Negro political rights reinforced the institution of slavery by degrading the Negro and would be cheered by the southern states. And yet slavery was an "abominable, immoral" doctrine, "utterly repugnant to common sense and the feelings of the whole community."⁸⁰ For the sake of an institution in which they did not believe, Pennsylvanians were being asked to deprive members of their community of basic political rights.

The Coalition Party kept pounding away at the Jacksonian arguments but they gained few converts. They filled the air with tributes to the high principles of the founding fathers but these were sufficiently distant from political reality to raise little interest. They attacked slavery as an immoral and unpopular institution and related a defense of Negro political rights with this condemnation but most delegates had a greater fear of free blacks than a distaste for slavery. They argued that the Jacksonian Democrats were dominated by southern politicians and the attempt to disfranchise the blacks was just another example of northern subservience to southern wishes in that party. This argument stirred

⁸⁰Ibid.

a distrust of Jacksonian motivations but was overshadowed by the inherent prejudice of most delegates.

Noting that most of their reasoning had little effect on the convention as a whole, they turned to the practical problem of how the distinction between black and white would be made. In limiting suffrage to only "white males," they asked how one defines "white." "Does this exclude all persons of a tawny hue? What standard of color does this intend to propose."⁸¹ But here the Jacksonians chose to ignore the question and rely on the judgment of the election officials in making this determination.

Part of the Coalition's inability to convince other delegates of their point of view stemmed from their own lack of conviction. Many delegates who defended black suffrage openly admitted their prejudices against this portion of the population. With growing public pressure and the second introduction of Martin's amendment, a significant number of delegates would abandon the party position and vote for suffrage limitation.⁸² Particularly important were two Philadelphia Whigs who not only voted for the amendment, but spoke in favor of it as well. The fifteen Whigs had supplied much of the leadership and many of the speeches of the Coalition. A

⁸¹Speech of William Darlington, Antimason from Chester in Proceedings and Debates, V. 10, pp. 39-40.

⁸²Seventeen Antimasons and three Whigs finally voted in favor of Martin's amendment.

break in their small but influential pact only encouraged the deterioration of a firm, convincing party position.

William Meredith, one of the dissident Whigs from Philadelphia where social tensions were rising as a result of the depression of 1837,⁸³ revealed the effect of prejudice on the Coalition position when he explained why he split from his party colleagues. Since "they (blacks) are not permitted to mingle in social intercourse with the white citizens and this remains the habit in the state," he could not bring himself to urge black suffrage. In turn, he had to be responsible to his constituents who rightly feared the potential danger of 10,000 black voters in Philadelphia.⁸⁴ In Meredith's case, it appeared that the Jacksonian appeals to prejudice and established social customs achieved their desired goal.

Of the eighteen Coalition delegates who broke from the party line, only six were from election districts with any significant black population: two from Philadelphia, three from Franklin County and one from Bucks County. Only two of the delegates who split from the party represented districts in which blacks had previously voted. On the other hand, three delegates from Bucks County, where sentiment ran the highest, held the party line and seven from Philadelphia did also. If there was any demographic trend at all, it was a tendency for those districts in which blacks had previously

⁸³ Warner, The Private City, p. 132.

⁸⁴ Proceedings and Debates, V. 9, pp. 348-352.

voted and which were represented by Coalition members to oppose black disfranchisement. This made sense in view of the Jacksonian contention that blacks invariably voted against them.

What confused this conclusion was the fact that Coalition rhetoric never referred to the political advantage for their party of black electors. The Jacksonians alluded to the fact that blacks tended to vote against them, but the Coalition did not push for this advantage. Given the overriding racial prejudice which existed in all parties and which was accepted as part of the public conscience, the reluctance of the Coalition to align themselves with blacks became clear. The Coalition party carefully avoided being stigmatized as a black man's party. In debate on the convention floor, the Coalition limited their discussion to a defense of Negro political rights without associating this position with a defense of black social equality. They chose to support black suffrage by quoting the idealistic political principles of the founding fathers without disturbing the question of Negro social status. When it was clear that such methods could not defeat Negro disfranchisement, they reverted to purely political attacks on the Jacksonian party. Depicting the Jacksonians as puppets of southern politicians, they criticized that party's position on slavery and their support of the gag rule. Essentially the Coalition lost track of the issue at hand, which the Jacksonians never did, and consequently lost the final battle.

There were several groups of Pennsylvania residents who never strayed from the question at hand. They were adamant in their demands for equal suffrage and fair treatment. These several groups were the blacks themselves and their allies in the antislavery societies of the state. The Philadelphia Female Antislavery Society circulated a variety of petitions calling for the establishment of equal rights for blacks. Likewise the Pennsylvania Abolitionist Society sent a committee headed by Charles Townsend to attend the constitutional convention and lobby against the disfranchisement proposal. The Junior Antislavery Society of Philadelphia and the Daughters of Africa took similar action.⁸⁵ These groups were consistent in their demands for black suffrage, but they carried very little influence in the state. They were successful at getting many petitions submitted to the convention but most of these were tabled without being read or printed with distribution to the delegates. The convention, at the instigation of the Jacksonians, adopted its own private "gag" rule which restricted the publication and distribution of such documents. The influence of these societies

⁸⁵Philadelphia Female Antislavery Society Minutes, (Philadelphia, 1833-1838); Pennsylvania Abolitionist Society Minutes, (Philadelphia, 1837), December 2, 1837; Junior Antislavery Society of Philadelphia, Minutes, (Philadelphia, 1836-1846); Daughters of Africa, Minutes, (Philadelphia, 1822-1838). All of these records can be found at the Historical Society of Pennsylvania in Philadelphia.

was further hampered by the belief that abolitionists and antislavery enthusiasts were a public nuisance. Although no legal action had been enacted to suppress them, they were harrassed by private citizens who viewed them as a disruptive and dangerous force in society. Legislation to restrict their activity was introduced in the General Assembly but was soundly defeated.⁸⁶ There was some question whether their actions aided or hindered the cause for black suffrage, but in all probability it had little effect since the delegates chose to ignore all of what they said.

Even the abolitionists, with their consistently strong demands for equal rights, faced the dilemma of racial prejudice in their ranks. In 1837 the Philadelphia Anti-Slavery Society spent long hours in debating whether they should allow blacks in their organization. They also discussed a resolution that declared that social intercourse with blacks would only lead to heightened racial prejudice and would retard the acquisition of civil and religious privileges for that race. The society settled the question by passing a resolution which declared that it was not their "object, or duty, to encourage social intercourse between colored and white families."⁸⁷ Racial prejudice appeared to have permeated all levels of Pennsylvania society.

⁸⁶ Warner, The Private City, pp. 130-131; Richards, "Gentlemen of Property and Standing," pp. 3-10; Turner, Negro in Pennsylvania, p. 220.

⁸⁷ Junior Antislavery Society of Philadelphia Minutes, 1836-1846. Litwack, North of Slavery, p. 218, 229-230.

The Pennsylvania press was one other platform for expression on the question of black suffrage. But generally speaking the newspapers reflected the party positions as presented in the convention debates. Often they drew much of their editorial comment directly from the speeches given. The Coalition press tended to encourage retaining the suffrage provisions as they were written in the constitution of 1790.⁸⁸ In this way, they objected to many changes without directly referring to the issues involved. With the suffrage question where racial prejudice played the major role, they opposed disfranchisement without making positive statements about the status of Negroes in the state. On the other hand, the Jacksonian press made frontal attacks on the extension of Negro privileges. Viewing the Negroes as a degenerate race, they claimed that any attempt to grant them equal political rights would "open the door to hosts of evils" precipitated by "all the prejudices and hostilities of society."⁸⁹ In comparison, the Coalition press, both Whig and Antimason, handled the issue of black suffrage just as poorly as their delegates in convention while the Jacksonian press made a brutal but politically realistic attack on blacks and their "supposed" civil rights.

During the late 1830's Pennsylvania witnessed a lively political battle over the question of suffrage extension. Although these

⁸⁸Pennsylvania Telegraph, June 27, 1838; Gettysburg Star, August 2, 1837; Pennsylvania Inquirer, January 22, 1838.

⁸⁹The Pennsylvanian, January 22, 1838.

discussions were overshadowed by the larger issues of banking and economics, they caught the interest and attention of the public. But the majority of the discussion centered around what kind of society Pennsylvania should have rather than the specific question of suffrage. The Jacksonians strove to maintain the accepted social and political customs with regard to the Negro and viewed the extension of political rights as a disruptive force. The Coalition, in its best moments, called for the realization of the Revolutionary War principles of equality and freedom. The battle was waged over the future of society, its social attitudes and institutions.⁹⁰

Two influences surfaced as the controlling forces in these debates. Racial prejudice sprang up in everyone's arguments and, in turn, played a major role in determining the outcome of the black suffrage question. The Jacksonians saw an unwillingness on the part of the populace to extend either political or social privileges to this "degraded and uncultivated race." In consequence, they acknowledged the physical and mental differences between the races and urged the continuation of the accepted customs. The Coalition, too, recognized the prevalence of bigotry in Pennsylvania and tried to avoid being marked as Negro apologists. Their weakness stemmed from an inability to reconcile their admitted racial prejudice with a defense of Negro rights.

⁹⁰Marvin Meyers argued that this type of social political confrontation dominated the Jacksonian Era. See Meyers, Jacksonian Persuasion, pp. 234-275.

But both parties saw the question as a violation of the rights of the people. The Jacksonians claimed that the people, having made a political contract and formed a government, had the right to choose those men who could participate in it. The Coalition considered black disfranchisement a violation of the natural rights of freedom and equality. The rhetoric of the Jacksonians and the undesirable prejudice of the populace proved most convincing. The blacks were disfranchised.

Chapter IV

Party Voting on the Suffrage Amendment

When the convention first considered Benjamin Martin's amendment to limit suffrage to white freemen only, in June 1837, there was little public interest in the question and, consequently, only limited debate. With the disputed election in Bucks County, increased abolitionist activity in Philadelphia and growing Jacksonian concern, the public reversed itself and turned its attention to the convention to see if it would act. Innumerable petitions against black suffrage were received by the delegates and this encouraged Martin to reintroduce his amendment. He did so on January 17, 1838.

The debates concerning both attempts at limiting suffrage were discussed in the previous chapter. But the question of party voting, the shifts in voting and the reasons behind such shifts have not yet been considered. The first attempt to limit suffrage in June 1837 was defeated by a vote of forty-nine yeas to sixty-one nays. The subsequent amendment for the same purpose was passed by a vote of seventy-seven yeas and forty-five nays. Two factors were obvious in these votes. Twelve more delegates voted on the second amendment

than on the first and another twelve delegates changed their original vote. A comparison of votes by party is presented in Table (1).⁹¹

Table (1): Comparison of Suffrage Limitation Votes by Party

	<u>June 1837</u>		<u>January 1838</u>	
	<u>Yeas</u>	<u>Nays</u>	<u>Yeas</u>	<u>Nays</u>
Jacksonian Democrats	43	8	57	3
Antimasons	6	41	17	30
Whigs	<u>0</u>	<u>12</u>	<u>3</u>	<u>11</u>
Total	49	61	77	44

There existed a clear party preference in the June vote against suffrage limitation. Before the strong public interest arose, the Coalition of Antimasons and Whigs were able to hold a fairly firm line on party voting. This gave them a victory. They were aided in the vote by eight dissident Jacksonians who broke from their party's position. Surprisingly, five of these dissidents represented districts with large black populations: one from Philadelphia County, two from Chester County, one from York County and one from Cumberland County. One would suspect that a large free black population would have stimulated racial prejudice in those districts thereby encouraging a party vote. In the second vote all but two

⁹¹The votes are given in Proceedings and Debates, V. 3, p. 91 and V. 10, p. 106.

of the dissidents returned to the party line and the influence of prejudice undoubtedly played a major role in their return.

One of the Jacksonians who voted with the Coalition was Thomas Earle of Philadelphia County. Earle, a Quaker, believed that the laws of nature secured for all men the right to participate in their own government and that no community had the right to deprive them of these privileges. Earle was the intellectual leader of a group of mechanics and artisans, named the Association for the Abolition of Offices for Life, which called for the democratization of government by the reduction of the Governor's term, the election of justices of the peace and the guarantee of more certain and equal suffrage.⁹² He was an intellectual radical who posed no threat to the party but irritated their political sensitivities. Other party members were vicious in their attacks on his position.

With the exception of Earle, the Jacksonians displayed a solid party front on the question of Negro suffrage. Only three delegates split in voting and all but six of their sixty-six delegates attended the roll call. Given the frequency of absence at convention votes, this was a commendable attendance.

On the other hand, the Coalition Party did not fare so well. Although they maintained a solid unit vote on the early amendment, their ranks had deteriorated by January. Part of this split can be attributed to the difficulties of maintaining any alliance over a

⁹²Snyder, Jacksonian Heritage, p. 97.

lently period of debate on highly controversial items. Thaddeus Stevens and many of his Antimasonic supporters had pushed through a motion to investigate "secret societies." This motion disturbed many of the Whigs but they held their line in order to maintain Antimasonic support. Likewise Stevens had supported a motion to make all state and local offices elected and again several Whigs balked.⁹³ Stevens, one of the major leaders of the Antimasonic faction, did not participate in the black suffrage debates nor was he present at either roll call vote. His absence during these particular debates was undoubtedly another factor attributing to the deterioration of the Coalition.

William M. Meredith, a Philadelphia Whig, was the most vocal dissident in the Coalition. At one point Meredith lashed into a lengthy and vicious assault on the character of Thaddeus Stevens and his motivations.⁹⁴ But, more important for the discussion here, Meredith broke ranks on the suffrage question. During the earlier discussions he was quiet and abstained from voting, but in January he rose ready for battle and expended his full hour limit of discussion. When it came time to vote, he carried two other Whigs who had previously voted against disfranchisement with him to the Jacksonian camp.

⁹³Snyder, Jacksonian Heritage, p. 103; Roy H. Agaki, "The Pennsylvania Constitution of 1838," Pennsylvania Magazine of History and Biography, 1924, pp. 314-25.

⁹⁴Proceedings and Debates, V. 2, pp. 104-11.

Thaddeus Stevens and the delegation of Philadelphia Whigs which consisted of John Sergeant, Charles Chauncey, Matthias W. Baldwin, Joseph Hopkinson, Thomas P. Cope, William M. Meredith, John M. Scott, James C. Biddle and Joseph R. Chandler, had assumed leadership of the Coalition Party at the convention. With Stevens' absence and Meredith's split from the party, it was not surprising that the Coalition was unable to hold their members in line. As a result, the January ballot saw seventeen Antimasons as well as the three Whigs vote with the Democrats.

Of the seventeen delegates who joined the Jacksonians, ten changed their ballot from the earlier tally (two delegates voted for the first time in the January ballot, and one June proponent and one June opponent were absent in January, which accounts for the totals in Table 1) and all ten represented western counties with a total of fewer than four hundred black residents, women and children included. In these cases it was clear that the vote did not represent a local political concern based on a large and frightening black population. In turn, if the blacks voted for the Antimasons, they would have little effect on the outcome, since these counties were strongholds of Antimasonry. The vote for black disfranchisement probably represented personal racial prejudice or the prejudice of their constituents.

Unfortunately, none of the renegade Antimasons gave speeches clarifying their stand on the suffrage question. But given the Coalition's willingness to admit their animosity toward the Negro

and York were distinctly Pennsylvania German and these Germans were, for the most part, Jacksonian Democrats. These counties sent Jacksonians to the convention, elected Jacksonian representatives to the General Assembly, voted for the amendments to the constitution and went for Van Buren in 1836. The German press was "militantly Jacksonian in politics" and stolidly conservative in social outlook.⁹⁵ The convention delegates from these counties followed the party line and voted to end Negro voting.

The German press failed to take a clear stand on the suffrage question although they quoted from Jacksonian speeches against black suffrage. When they did speak out on slavery, they argued that the north did not have the right to interfere with southern institutions and that no harm was done by supporting the status quo.⁹⁶ These factors lead one to believe that at least the Germans were agreeable to black exclusion and at most they encouraged the stand against blacks rights.

On the opposite side, the Quaker stand on both black rights and slavery was quite clear. The Quakers actively sought political rights for the blacks and they used their influence in the Coalition Party to further that end. Their prevalence in the city of Philadelphia and Bucks County definitely affected the position of those delegates. Particularly in Bucks County where the Jacksonian

⁹⁵Arthur D. Groeff, The Pennsylvania Germans, (Princeton, 1942), p. 134.

⁹⁶Ibid., p. 135-36.

race and the split in leadership on this question, racial prejudice undoubtedly influenced their position. Stevens' absence from the debates and the roll call votes served to further weaken the Coalition's position. One of his colleagues from Adams County, Stevens' home ground, voted with the Democrats.

Consistent with their rhetoric, the Jacksonians voted the firm party line while the Coalition split on the issue. Black population distribution had little or nothing to do with the final outcome. Delegates from areas of high black concentration where racial conflicts were well known were influenced very little by this. The Coalition delegates from Philadelphia and Chester, both with large black populations, voted with their party while delegates from some western counties split.

There was no common denominator to explain why certain Antimasons broke from their party on this particular issue. A quick survey of other convention votes indicated that these delegates were in the habit of voting with their party on almost all other questions. A look at the counties which they represented shed no more light on their action than did the other factors. The only reasonable explanation appeared to be that they followed the leadership of the dissident Whigs and succumbed to the prevalent racial prejudices of the day.

Unfortunately, no study of the geographic locations of Pennsylvania's immigrant population had been completed but it is still possible to make some valid generalizations about immigrant reactions to this question. Some of the middle counties, such as Lehigh, Berks

tirade against black voting began, the Quakers effectively countered their opposition and sent Coalition delegates to the convention. These delegates voted against Martin's exclusion clause.

Although the position of Quakers and Germans was clear because of their vocal stand on the issue, it is extremely difficult to make any further generalization for two main reasons. First, the question was overshadowed by the larger concerns of economics and consequently no referendum was taken. Second, the lack of a good ethnological study makes it impossible to pinpoint blocks of ethnic sentiment. Much needs to be done in this field with the state of Pennsylvania for it would indeed shed considerable light on the major political questions of the time.

Although the Jacksonian rhetoric claimed opposition to black suffrage was a defense of the status of the lower class white, there was no evidence to prove that delegates voted for this reason. Several identifiable counties with a rural lower class concentration were represented by Antimasons who supported black suffrage. The delegates from Juniata, Somerset, Washington and Mifflin Counties fell into this category. Other counties with similar population concentrations elected Jacksonian delegates who favored disfranchisement. Although not conclusive, this evidence does show that there was not a clear rural lower class influence on the delegates nor was there a clear rural lower class demand for black disfranchisement.

In looking at the occupational breakdown of the convention, no major differences emerged. Table (2) gives a party breakdown of occupations.

Table (2): Occupational Breakdown by Party⁹⁷

	<u>Democrats</u>	<u>Antimasons</u>	<u>Whigs</u>
Farmers	25	22	2
Lawyers	15	19	8
Artisans	6	2	1
Doctors	6	3	-
Merchants	4	5	2
Surveyors	3	-	-
Manufacturers	1	1	1
Editors	-	-	1
Gentlemen	1	-	-

The Whigs were represented by a preponderance of lawyers but this was undoubtedly due to the fact that the majority of Whig delegates were elected from Philadelphia. The abundance of lawyers explained why much of the debate was couched in legal terms. Assuming that the convention delegates held positions of party leadership in their respective districts, the similarity of occupations is notable.

⁹⁷Convention Directory: Containing the Rules of the Convention which assembled at Harrisburg, (Harrisburg, 1837). Historical Society of Pennsylvania.

With the exception of the Whigs, no one party appears to have drawn disproportionately from any economic group.

The Jacksonian Democrats opposed black suffrage as part of an undeclared party platform. When the issue was first presented in convention, some party members slipped into the opposition camp and precipitated a defeat. But when public interest was aroused, the delegates fell back in line. Almost unanimous Jacksonian support for black disfranchisement was the major factor in its success.

On the other hand, the early vote saw solid Coalition backing for black rights. But as time progressed, the Coalition became weaker and they were unable to hold a firm party line. Consequently, several Coalition delegates shifted their votes and assured a Jacksonian victory. Class consciousness did not dominate the final decision; racial prejudice and political maneuvering did.

Chapter V

Summary

Once Martin's amendment to disfranchise the blacks passed in convention, public interest in Negro political rights died down. When the amendments which were generally compromise agreements were put before the people in a public referendum, they became law by a slim majority of 1,212 votes out of approximately 230,000 votes. The Whigs and Antimasons opposed adoption of the new constitution and the Jacksonians favored it.⁹⁸ In the arguments over adoption, few newspapers paid much attention to the change in suffrage laws. The Jacksonians pictured the new constitution as a step toward democratic reform in that it limited the Governor's appointive powers and established the direct election of justices of the peace.⁹⁹ The Whigs and Antimasons opposed the document as a retrogressive step which weakened the liberal principles of the founding fathers. Generally the public was apathetic and paid little attention to the suffrage change.¹⁰⁰

⁹⁸The Pennsylvanian, October 6, 1838; Harrisburg Chronicle, October 1, 1838; Snyder, Jacksonian Heritage, p. 109; Proceedings and Debates, V. 13, p. 260-261.

⁹⁹The Pennsylvanian, October 6, 1838.

¹⁰⁰Harrisburg Chronicle, October 1, 1838; Snyder, Jacksonian Heritage, p. 109.

The convention decision to disfranchise the blacks effectively ended further discussion of the matter. Neither party made any strong appeal to defeat the constitution because it stripped blacks of their natural political rights. With the exception of a few abolitionists, the decision had been made to the satisfaction of the public. Neither the Whigs nor the Antimasons were willing to fight for the cause of black rights even if some of their leaders sympathized with the Negro's condition. Having won on the convention floor, the Jacksonians saw no need to wave the banner of disfranchisement but rather preferred to emphasize the "great democratic advances" made in the constitution. The apathy displayed toward the suffrage question only served to reemphasize the public distain for the black population.

The Jacksonian struggle to deprive the Negroes of the political rights achieved more than just a political goal. The party realized it held no political appeal with black voters and they chose a position which could hardly hurt their cause. But in so doing, they brought greater harm than political disfranchisement to the blacks. By raising fears of a major black migration into the state and by pointing to the economic competition these residents would cause, the Jacksonians stimulated racial prejudices and furthered the isolation of the black population in Pennsylvania. By advocating the natural inferiority of blacks, the Jacksonians pushed the acceptability of Negroes back many years. By delineating the acts of

violence against blacks and prophesying more such acts, they encouraged the physical abuse of this race.

The Jacksonians stirred a racial hatred that would haunt the blacks of Pennsylvania for many years to come. On August 1, 1842, Philadelphia mobs attacked a Negro gathering which was celebrating the abolition of slavery in the West Indies. This attack began race riots which ended with many blacks beaten and two of their structures, the new African Hall and the Colored Presbyterian Church, burned to the ground. A grand jury investigation blamed the provocative nature of blacks. Another riot broke out in 1849 and others followed. Political disfranchisement, as some Jacksonians claimed, did not bring a relaxation of racial tensions but, quite the contrary, produced heightened prejudices which plagued the Pennsylvania Negro for years.¹⁰¹

Understanding the style of the Jacksonian's attack on the blacks is important. While playing on the undercurrents of racial prejudice, the Democrats in court, in the convention and in their newspapers, attacked the blacks as a disruptive force in society. The blacks were undermining traditional values and demanding that they be treated as equals. The Jacksonians viewed the blacks as outsiders attempting to force their way into society. This attempt

¹⁰¹ Litwack, North of Slavery, pp. 97-103; DuBois, The Philadelphia Negro, pp. 29-30, 32; Warner, The Private City, pp. 138-141; Ira V. Brown, "Pennsylvania and the Rights of the Negro, 1865-1887," Pennsylvania History, (January, 1961), V. 28, pp. 45-49.

was dangerous because if successful, it demanded an alteration of social custom. The Jacksonians opposed such a change. The Whigs and Antimasons, on the other hand, were willing to accept the blacks as established members of the community. This acceptance did not preclude their prejudices but rather showed a more realistic perception of the make-up of society. The Coalition argued for extending political rights to the blacks because they were members of society and as such were guaranteed these rights under the constitution. But the Jacksonians refused to accept the Negro population as a part of society and, thereby, qualified for full constitutional rights. The Jacksonian attitude was representative of the Pennsylvania community in that most white residents feared black men as alien and undesirable. The Coalition was more perceptive in the sense that they realized that the Negro population was an established part of their society and, therefore, could not be avoided or ignored.

The Jacksonians played on the desires of the community and in so doing they have to take responsibility for delaying democratic change. They were politically ambitious and as such they played on the prejudices of the day. The result was not only a perpetuation of existing prejudices but an augmentation as well.

Although the Jacksonians stimulated the force of racism in Pennsylvania, they had not created it. Bigotry, as a factor of many years of white domination and an increasing sense of white

superiority, had long existed in the state. It was these ideas that needed reinforcement and justification and the Jacksonians were willing to supply it to the detriment of the Negro race.

In other circles the Jacksonians spoke of their egalitarian ideals and democratic principles but in dealing with the Negro they were sharp and tyrannical. Pennsylvania was not the only state which saw Jacksonian party politics strip the black man of his rights. Both the Michigan and New York Democrats were responsible for restrictions on the Negro.¹⁰² The available evidence indicates that although the Jacksonians never overtly admitted that black disfranchisement was a national policy, their action strongly supports that contention. All along the western frontier Jacksonians wrote state constitutions which excluded black voting from the beginning of statehood.¹⁰³ By 1840, over 90 per cent of the northern free Negro population lived in states which limited their political rights, most of which denied them the right to vote.¹⁰⁴ In most cases, the Jacksonian Democracy was the political force responsible.

Pennsylvania not only showed the strength of the Jacksonian position but the weakness of the Whigs and Antimasons as well.

¹⁰²Formisano, "Attitudes Towards Colored Suffrage in Michigan," forthcoming; Benson, The Concept of Jacksonian Democracy, p. 8.

¹⁰³See all of Berwanger, Frontier Against Slavery.

¹⁰⁴Litwack, North of Slavery, p. 75.

The Whigs and Antimasons, while wanting to support black suffrage because it represented votes for themselves, failed to find a successful argument which defended democratic principles without offending racial prejudices. Their opposition to the Jacksonians was weak, and clearly ineffectual.

The Pennsylvania case substantiates several generalizations. First, the black suffrage question was essentially a party fight, often surrounded by typical party rhetoric and style. Second, racial prejudice was accepted and adhered to by most members of society at large, and in turn, so was the idea of white supremacy. Finally, the Jacksonian Democrats, while not originating the idea of prejudice, were largely responsible for its growth and popularity in Pennsylvania during the late 1830's.

Bibliography

Primary Sources

A. General

Appeal of Forty Thousand Citizens, Threatened with Disfranchisement to the People of Pennsylvania, Philadelphia, 1838, Historical Society of Pennsylvania.

Convention Directory: Continuing the Rules of the Convention which assembled at Harrisburg, Harrisburg, 1837, Historical Society of Pennsylvania.

Daughters of Africa Minutes, Philadelphia, 1822-1838, Historical Society of Pennsylvania.

Junior Antislavery Society of Philadelphia, Minutes, Philadelphia, 1836-1846, Historical Society of Pennsylvania.

Letter of James Buchanan, James Buchanan Papers, Historical Society of Pennsylvania.

Pennsylvania Abolitionist Society Minutes, Philadelphia, 1837, Historical Society of Pennsylvania.

Philadelphia Female Antislavery Society Minutes, Philadelphia, 1833-1838, Historical Society of Pennsylvania.

Proceedings and Debates of the Convention of the Commonwealth of Pennsylvania to Propose Amendments to the Constitution, Harrisburg: Packer, Barrett and Parke Printers, 1837-1838, 14 vols.

Sixth Census of the United States, Washington, D.C.: Thomas Allen Printer, 1841.

B. Newspapers

Gettysburg Star, 1837, Gettysburg, Historical Society of Pennsylvania.

Harrisburg Chronicle, 1837-1838, Harrisburg, Historical Society of Pennsylvania.

The Keystone, 1836-1838, Harrisburg, Historical Society of Pennsylvania.

Pennsylvania Inquirer, 1835-1837, Philadelphia, Historical Society of Pennsylvania.

Pennsylvania Reporter and Democratic Journal, Harrisburg, 1837-1838, Historical Society of Pennsylvania.

Pennsylvania Telegraph, 1836-1838, Harrisburg, Historical Society of Pennsylvania.

The Pennsylvanian, 1836-1838, Philadelphia, Historical Society of Pennsylvania.

Secondary Sources

A. Books

Benson, Lee, The Concept of Jacksonian Democracy: New York as a Test Case, New York: Atheneum, 1966.

Berwanger, Eugene, Frontier Against Slavery, Urbana, Illinois: University of Illinois Press, 1967.

Branning, Rosalind L., Pennsylvania Constitutional Development, Pittsburgh: University of Pittsburgh Press, 1960.

Brodie, Fawn M., Thaddeus Stevens: Scourge of the South, New York: Norton and Company, 1959.

Catteral, Helen Tunnicliff, (ed.), Judicial Cases Concerning American Slavery and the Negro, Washington: Carnegie Institution, 1926-1937.

Chambers, William N., Political Parties in a New Nation: The American Experience 1776-1809, New York: Oxford University Press, 1963.

Du Bois, W. E. B., The Philadelphia Negro: A Social Study, New York: University of Pennsylvania Press, 1967.

Dumond, Dwight L., Antislavery: The Crusade for Freedom in America, Ann Arbor: University of Michigan Press, 1961.

Elkins, Stanley M., Slavery: A Problem in American Institutional and Intellectual Life, New York: University of Chicago Press, 1963.

- Filler, Louis, The Crusade Against Slavery, New York, Harper Torch-books, 1960.
- Foner, Eric, Free Soil, Free Labor, Free Men: The Ideology of the Republican Party Before the Civil War, New York: Oxford University Press, 1970.
- Franklin, John Hope, From Slavery to Freedom: A History of Negro Americans, 3rd edition, New York: Vintage Books, 1969.
- Freehling, William W., Prelude to Civil War: The Nullification Controversy in South Carolina, 1816-1836, New York: Harper Torch-books, 1965.
- Gosset, Thomas F., Race: The History of an Idea in America, New York: Schocken Books, 1965.
- Groeff, Arthur D., The Pennsylvania Germans, Princeton: Princeton University Press, 1942.
- Hopkins, Vincent C., Dred Scott's Case, New York: Atheneum, 1967.
- Jenkins, Howard M., Pennsylvania, Colonial and Federal, Philadelphia: Pennsylvania Historical Publishing Association, 1903, 2 vols.
- Jordan, Winthrop D., White Over Black: American Attitudes Toward the Negro 1550-1812, Baltimore: Penguin Books, 1968.
- Klein, Phillip Shriver, Pennsylvania Politics 1817-1832, Philadelphia: Historical Society of Pennsylvania, 1940.
- Klein, Phillip Shriver, President James Buchanan, University Park, Pennsylvania: Pennsylvania State University Press, 1962.
- Litwack, Leon F., North of Slavery: The Negro in the Free States, 1790-1860, Chicago: University of Chicago Press, 1961.
- Meyers, Marvin, The Jacksonian Persuasion: Politics and Belief, Stanford, California: Stanford University Press, 1957.
- Olbrich, Emil, The Development of Sentiment on Negro Suffrage to 1860, Madison: University of Wisconsin Press, 1917.
- Pessen, Edward, Jacksonian America: Society, Personality and Politics, Homewood, Illinois: The Dorsey Press, 1969.
- Pessen, Edward, (ed.), New Perspectives on Jacksonian Parties and Politics, Boston: Allyn and Bacon, 1969.

- Rawley, James A., Race and Politics: "Bleeding Kansas" and the Coming of the Civil War, Philadelphia: J. B. Lippincott Company, 1969.
- Richards, Leonard L., "Gentlemen of Property and Standing": Anti-Abolition Mobs in Jacksonian America, New York: Oxford University Press, 1970.
- Scharf, J. Thomas and Thompson Westcott, History of Philadelphia 1609-1884, Philadelphia: L. H. Everts and Company, 1884.
- Schlesinger, Arthur M., Jr., The Age of Jackson, Boston: Little, Brown and Company, 1945.
- Snyder, Charles M., The Jacksonian Heritage, Harrisburg: The Pennsylvania Historical and Museum Commission, 1958.
- Stanton, William, The Leopard's Spots: Scientific Attitudes Toward Race in America 1815-1859, Chicago: University of Chicago Press, 1960.
- Turner, Edward R., The Negro in Pennsylvania: Slavery-Servitude-Freedom, 1639-1861, reprint, New York: Negro Universities Press, 1969.
- Warner, Sam Bass, Jr., The Private City, Philadelphia: University of Pennsylvania Press, 1968.
- Wood, Forrest G., Black Scare, Los Angeles: University of California Press, 1970.
- Wright, Richard R., The Negro in Pennsylvania, New York: Arco Press, 1969.
- Voegeli, V. Jacque, Free But Not Equal: The Midwest and the Negro during the Civil War, Chicago: University of Chicago Press, 1967.
- Zilversmith, Arthur, The First Emancipation, Chicago: University of Chicago Press, 1967.

B. Articles

- Akagi, Roy H., "The Pennsylvania Constitution of 1838," The Pennsylvania Magazine of History and Biography, (1924), V. 48, No. 4, pp. 301-333.

- Brown, Ira V., "Pennsylvania and the Rights of the Negro," Pennsylvania History, (January, 1961), V. 28, pp. 45-57.
- Davis, W. W. H., "Negro Suffrage in Pennsylvania in 1837," The Era Magazine, (1903), V. 12, pp. 384-387.
- Formisano, Ronald P., "Attitudes to Colored Suffrage, Michigan 1835-1861," Michigan History, forthcoming.
- Geffen, Elizabeth M., "Violence in Philadelphia in the 1840's and 1850's," Pennsylvania History, (October, 1969), V. 36, pp. 381-410.
- Kutler, Stanley I., "Pennsylvania Courts, The Abolition Act, and Negro Rights," Pennsylvania History, (January, 1963), V. 30, pp. 14-27.
- Stanley, John L., "Majority Tyranny in Tocqueville's America: The Failure of Negro Suffrage in 1846," Political Science Quarterly, (September, 1969), V. 84, pp. 412-435.
- Weeks, Stephen B., "The History of Negro Suffrage in the South," Political Science Quarterly, (December, 1894), V. 9, pp. 671-703.

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